

### **REMARKS**

Applicant thanks the Examiner for the careful review of this application. Claims 43-47 and 56-57 were previously canceled without prejudice in response to the restriction requirement issued by the Examiner. Therefore, claims 1-42 and 48-55 remain pending in this application.

As a preliminary matter, Applicants have amended the specification to correct certain typographical errors identified by the under-signed during review of the instant Office Action. No new matter has been added.

Claim 42 has been rejected under 35 U.S.C. § 101 as allegedly being directed to non-patentable subject matter. Claims 1-3, 11 and 12 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Lastly, claims 1-42 and 48-55 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

As set forth above, Applicants have amended the claims to address the rejections raised by the Examiner. Applicants have amended claim 42, for example, to include: "A computer-readable medium storing logic for execution, the logic when executed operable to cause a computing system to." Applicant submits that claim 42 as amended recites patentable subject matter in compliance with 35 U.S.C. § 101, as well as the Interim Guidelines for Computer-Related Invention published by the U.S. Patent & Trademark Office. Applicants have also amended many of the remaining, pending claims based on the Examiner's helpful suggestions in the present Office Action.

#### **35 U.S.C. § 112 & Hysteresis Response**

The Examiner alleges that the specification does not describe "hysteresis response" in a manner that would enable one of ordinary skill in the art to practice the claimed subject matter. The Examiner also alleges that it is not "clear" as to what is meant by "hysteresis response."

While Applicants respectfully disagree with the Examiner, Applicants have nevertheless amended the relevant claims to change "hysteresis response" to "delayed response." In the context of certain embodiments disclosed in the present application, the term "hysteresis response" refers to a delay or lag in assigning a new traffic class to a connection or flow in response to detected changes (e.g., observed changes to priority tags in the incoming traffic). The specification provides various enabling examples of hysteresis or delayed response. For example, paragraph 64 of the specification discloses an embodiment where upward changes to priority policies are implemented upon detection of higher priority packet tags; however, downward changes to priority policies for a given connection are effected after a threshold number of packets with low priority packet tags are detected. The specification also discloses an embodiment where a period of time for a given type of observed traffic is required before assignment of a new traffic class. See Specification ¶¶ 65, 66. In yet another example, assignments of traffic classes are based on weighted moving averages of observed packet tag values in the incoming traffic. See Specification ¶¶ 67, 68. In light of the foregoing amendments, Applicants respectfully request removal of the rejections based on the term "hysteresis response."

**CONCLUSION**

Given the foregoing, Applicants believe that all pending claims are allowable and a Notice of Allowance is respectfully requested. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at the number set out below.

Respectfully submitted,  
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